

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Barkur G. BHAT *et al.*

Appln. No.: 09/267,199

Filed: March 12, 1999

Confirmation No.: 6701

Art Unit: 1631

Examiner: Marjorie A. Moran

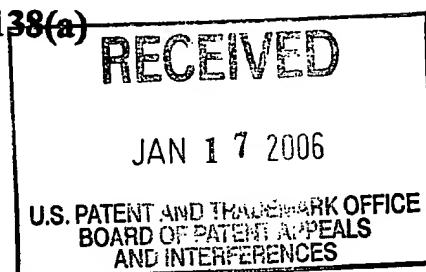
Atty. Docket: 16517.233

For: Nucleic Acid Molecules and Other Molecules Associated with the Tocopherol Pathway

Express Abandonment Under 37 C.F.R. § 1.138(a)

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:



Applicants request that U.S. Application Serial No. 09/267,199 be expressly abandoned under 37 C.F.R. § 1.138(a) upon entry of the Amendment filed January 6, 2006.

Applicants note that a continuation application based on the above-identified application was filed on January 11, 2006.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D.R. Marsh".

David R. Marsh, Reg. No. 41,408
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Filed: January 17, 2006

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I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.

A handwritten signature in dark ink, appearing to read "D.R. Marsh".
David R. Marsh (Reg. No. 41,408)January 17, 2006
Date

ARNOLD & PORTER LLP

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VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
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Appeal No. 2004-2136
Confirmation No. 6701

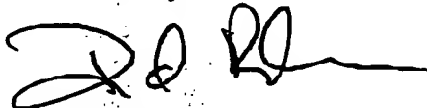
Re: U.S. Patent Application Serial No. 09/267,199 filed March 12, 1999
Inventors: Barkur G. BHAT *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated
with the Tocopherol Pathway
Atty. Dkt.: 16517.233 (38-21(15092)B/US)

Sir:

Transmitted herewith for appropriate action by the Board of Patent Appeals and Interferences is an Express Abandonment under 37 C.F.R. § 1.138(a).

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.233.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.


David R. Marsh (Reg. No. 41,408)

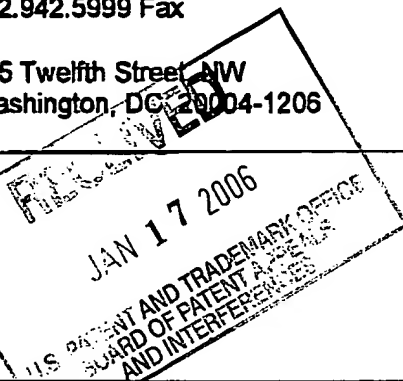
January 17, 2006
Date

ARNOLD & PORTER LLP

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Fax Transmittal

January 17, 2006



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Re: Appeal No. 2004-2136; Conf. No. 6701

U.S. Patent Appln. Ser. No. 09/267,199 filed March 12, 1999

Title: Nucleic Acid Molecules and Other Molecules Associated with the Tocopherol Pathway

Inventors: Barkur G. BHAT *et al.*

Atty. Docket: 16517.233

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

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